

CHRISTOPHER PHELPS &  
ASSOCIATES, INC.,

Plaintiff,

VS.

R. WAYNE GALLOWAY,

Defendant.

ORDER

This matter is before the court upon Plaintiff's Motion to Dismiss and for Summary Judgment on Defendant's Counterclaim, filed August 1, 2005. Defendant filed a response to the motion on August 12, 2005, and as of this date, a reply has yet to be filed. Trial in this case is scheduled to begin on September 12. Both sides have expressed a desire to go forward with this case during the September trial term and to bring closure to this matter. While the court will read the briefs submitted by the parties, it will not have the time to issue a written ruling prior to trial. Therefore, the court will deal with this motion as part of a Rule 50 motion at trial and render a decision at the appropriate time.

IT IS SO ORDERED.

**Signed: August 25, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

